

ESTTA Tracking number: **ESTTA635960**

Filing date: **10/29/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Monster Energy Company
Granted to Date of previous extension	10/29/2014
Address	1 Monster Way Corona, CA 92879 UNITED STATES
Attorney information	Jonathan Menkes Knobbe, Martens, Olson & Bear LLP 2040 Main Street, 14th Floor Irvine, CA 92614 UNITED STATES efiling@knobbe.com, francie.leonguerrero@knobbe.com Phone:949-760-0404

Applicant Information

Application No	86255599	Publication date	07/01/2014
Opposition Filing Date	10/29/2014	Opposition Period Ends	10/29/2014
Applicant	Cuttwood, LLC 17750 Crusader Avenue Cerritos, CA 90703 UNITED STATES		

Goods/Services Affected by Opposition


Class 030. First Use: 2014/04/17 First Use In Commerce: 2014/04/17
All goods and services in the class are opposed, namely: Chemical flavorings in liquid form used to refill electronic cigarette cartridges; Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form used to refill electronic cigarette cartridges

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	4036681	Application Date	09/11/2007
Registration Date	10/11/2011	Foreign Priority Date	NONE
Word Mark	MONSTER ENERGY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Non-alcoholic beverages, namely, energydrinks, excluding perishable beverage products that contain fruit juice or soy

U.S. Registration No.	3057061	Application Date	04/18/2002
Registration Date	02/07/2006	Foreign Priority Date	NONE
Word Mark	MONSTER ENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, [aerated water, soda water and seltzer water,] but excluding perishable beverage products that contain fruit juiceor soy, whether such products are pasteurized or not		

U.S. Registration No.	3044314	Application Date	05/23/2003
Registration Date	01/17/2006	Foreign Priority Date	NONE
Word Mark	M MONSTER ENERGY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 nutritional supplements in liquid [and non-liquid] form, but excluding perishable beverage products that contain fruitjuice or soy, whether such products arepas-teurized or not		

U.S. Registration No.	3044315	Application Date	05/23/2003
Registration Date	01/17/2006	Foreign Priority Date	NONE
Word Mark	MONSTER ENERGY		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 005. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 nutritional supplements in liquid [and non-liquid] form, but excluding perishable beverage products that contain fruitjuice or soy, whether such products arepasteurized or not

U.S. Registration No.	3134841	Application Date	05/07/2003
Registration Date	08/29/2006	Foreign Priority Date	NONE

Word Mark	M MONSTER ENERGY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced withvitamins, minerals, nutrients, amino acids and/or herbs, carbonated [and non-carbonated] energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and aerated water, soda water and seltzer water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not
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U.S. Registration No.	3134842	Application Date	05/07/2003
Registration Date	08/29/2006	Foreign Priority Date	NONE

Word Mark	M MONSTER ENERGY
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Design Mark	
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Description of Mark	NONE
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Goods/Services	Class 032. First use: First Use: 2002/03/27 First Use In Commerce: 2002/04/18 Beverages, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated [and non-
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	carbonated] energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not
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U.S. Registration No.	4129288	Application Date	07/06/2010
Registration Date	04/17/2012	Foreign Priority Date	NONE
Word Mark	MONSTER REHAB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 005. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Nutritional supplements in liquid form</p> <p>Class 032. First use: First Use: 2011/03/02 First Use In Commerce: 2011/03/02 Beverages, namely, non-alcoholic non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf-stable; all the foregoing goods exclude perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not</p>		

U.S. Registration No.	4111964	Application Date	08/24/2011
Registration Date	03/13/2012	Foreign Priority Date	NONE
Word Mark	MONSTER REHAB		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 030. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Ready to drink tea, iced tea and tea based beverages; ready to drink flavored</p>		

	tea, iced tea and tea based beverages		
U.S. Registration No.	4451535	Application Date	07/10/2013
Registration Date	12/17/2013	Foreign Priority Date	NONE
Word Mark	MUSCLE MONSTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Vitamin fortified beverages Class 029. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Dairy-based beverages; dairy-based energy shakes; energy shakes; coffee energy shakes; chocolate energy shakes Class 030. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Ready to drink coffee based beverages; ready to drink chocolate-based beverages		

U.S. Registration No.	4376796	Application Date	07/02/2010
Registration Date	07/30/2013	Foreign Priority Date	NONE
Word Mark	MUSCLE MONSTER		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 005. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Nutritional supplements in liquid form Class 032. First use: First Use: 2013/03/18 First Use In Commerce: 2013/03/18 Beverages, namely, soft drinks; non-alcoholic and non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs;		

	non-carbonated energy or sports drinks; all the foregoing goods exclude perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not
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Attachments	77276989#TMSN.png(bytes) 78246567#TMSN.png(bytes) 85078405#TMSN.png(bytes) 85406210#TMSN.png(bytes) 86006264#TMSN.png(bytes) 85077052#TMSN.png(bytes) 2014-10-29-FINAL NOTICE OF OPPOSITION- 86255599-HANBEV.2756M.PDF(442107 bytes) 2014-10-29-EXHIBIT 01 REG NO. 4036681-HANBEV.2756M.PDF(881624 bytes) 2014-10-29-EXHIBIT 2 REG NO 3057061-HANBEV.2756M.PDF(774647 bytes) 2014-10-29-EXHIBIT 3 REG NO 3044314-HANBEV.2756M.PDF(765280 bytes) 2014-10-29-EXHIBIT 4 REG NO 3044315-HANBEV.2756M.PDF(874177 bytes) 2014-10-29-EXHIBIT 5 REG NO 3134841-HANBEV.2756M.PDF(774951 bytes) 2014-10-29-EXHIBIT 6 REG NO 3134842-HANBEV.2756M.PDF(776473 bytes) 2014-10-29-EXHIBIT 7 REG NO 4129288-HANBEV.2756M.PDF(890566 bytes) 2014-10-29-EXHIBIT 8 REG NO 4111964-HANBEV.2756M.PDF(866452 bytes) 2014-10-29-EXHIBIT 9 REG NO 4451535-HANBEV.2756M.PDF(875166 bytes) 2014-10-29-EXHIBIT 10 REG NO 4376796-HANBEV.2756M.PDF(889479 bytes))
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Jonathan Menkes/
Name	Jonathan Menkes
Date	10/29/2014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

MONSTER ENERGY COMPANY, a Delaware
 corporation,

Opposer,

v.

CUTTWOOD, LLC,

Applicant.

)
)
) Opposition No.: _____
)
)
) Serial No.: 86/255599
)
) Mark: MONSTER MELONS
)
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)
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NOTICE OF OPPOSITION

Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

Dear Sir:

Monster Energy Company, a Delaware corporation, located and doing business at 1 Monster Way, Corona, California 92879, ("Opposer") believes that it will be damaged by registration of U.S. Trademark Application Serial No. 86/255599 ("Application") for the mark MONSTER MELONS owned by Cuttwood, LLC, ("Applicant") and therefore opposes the same.

As grounds for opposition, it is alleged:

1. By the Application filed on April 17, 2014, Applicant seeks to obtain registration on the Principal Register of the trademark MONSTER MELONS for "Chemical flavorings in liquid form used to refill electronic cigarette cartridges; Electronic cigarette liquid (e-liquid) comprised of flavorings in liquid form used to refill electronic cigarette cartridges" in International Class 30.

2. Since at least 2002, long before the filing date of the Application, Opposer has been, and still is, engaged in the development, licensing, marketing, and sale of energy supplement drinks under the mark MONSTER ENERGY and related marks, all containing “MONSTER.”

3. Opposer owns and relies on U.S. Trademark Registration 4,036,681 for the mark MONSTER ENERGY for “Non-alcoholic beverages, namely, energy drinks, excluding perishable beverage products that contain fruit juice or soy” in International Class 32, which registration issued October 11, 2011 and is based on an application filed in the United States Patent and Trademark Office (“PTO”) on September 11, 2007. The filing date of Opposer’s ’681 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’681 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 1 and made of record.

4. Opposer owns and relies on incontestable U.S. Trademark Registration No. 3,057,061 for the mark MONSTER ENERGY for “Fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 32, which registration issued February 7, 2006 and is based on an application filed in the PTO on April 18, 2002. The filing date of Opposer’s ’061 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’061 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 2 and made of record.

5. Opposer owns and relies on incontestable U.S. Trademark Registration No.

3,044,314 for the mark M MONSTER ENERGY for “nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 5, which registration issued January 17, 2006 and is based on an application filed in the PTO on May 23, 2003. The filing date of Opposer’s ’314 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’314 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 3 and made of record.

6. Opposer owns and relies on incontestable U.S. Trademark Registration No. 3,044,315 for the mark MONSTER ENERGY for “nutritional supplements in liquid form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 5, which registration issued January 17, 2006 and is based on an application filed in the PTO on May 23, 2003. The filing date of Opposer’s ’315 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’315 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 4 and made of record.

7. Opposer owns and relies on incontestable U.S. Trademark Registration No. 3,134,841 for the M MONSTER ENERGY and Design mark for “Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 32, which registration issued August 29, 2006 and is based on an application filed in the PTO on May 7, 2003. The filing date of Opposer’s ’841 Registration is prior to the filing date of the

Application. True and correct copies of the specifics of the '841 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 5 and made of record.

8. Opposer owns and relies on incontestable U.S. Trademark Registration No. 3,134,842 for the mark M MONSTER ENERGY for "Beverages, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32, which registration issued August 29, 2006 and is based on an application filed in the PTO on May 7, 2003. The filing date of Opposer's '842 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the '842 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 6 and made of record.

9. Opposer owns and relies on U.S. Trademark Registration No. 4,129,288 for the mark MONSTER REHAB for "Nutritional supplements in liquid form" in International Class 5 and for "Beverages, namely, non-alcoholic non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf-stable; all the foregoing goods exclude perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not" in International Class 32, which registration issued April 17, 2012 and is based on an application filed in the PTO on July 6, 2010. The filing date of Opposer's '288 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the '288 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 7 and made of record.

10. Opposer owns and relies on U.S. Trademark Registration No. 4,111,964 for the mark MONSTER REHAB for “Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages” in International Class 30, which registration issued March 13, 2012 and is based on an application filed in the PTO on August 24, 2011. The filing date of Opposer’s ’964 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’964 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 8 and made of record.

11. Opposer owns and relies on U.S. Trademark Registration No. 4,451,535 for the mark MUSCLE MONSTER for “Vitamin fortified beverages” in International Class 5, “Dairy-based beverages; dairy-based energy shakes; energy shakes; coffee energy shakes; chocolate energy shakes” in International Class 29 and “Ready to drink coffee based beverages; ready to drink chocolate-based beverages” in International Class 30, which registration issued December 17, 2013 and is based on an application filed in the PTO on July 10, 2013. The filing date of Opposer’s ’535 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the ’535 Registration obtained from the PTO’s TESS and Assignment databases are attached hereto as Exhibit 9 and made of record.

12. Opposer owns and relies on U.S. Trademark Registration No. 4,376,796 for the mark MUSCLE MONSTER for “Nutritional supplements in liquid form” in International Class 5, and “Beverages, namely, soft drinks; non-alcoholic and non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks; all the foregoing goods exclude perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not” in International Class 32, which registration issued July 30, 2013 and is based on an application filed in the PTO on July 2, 2010. The filing date of

Opposer's '796 Registration is prior to the filing date of the Application. True and correct copies of the specifics of the '796 Registration obtained from the PTO's TESS and Assignment databases are attached hereto as Exhibit 10 and made of record.

13. Opposer's Registrations Nos. 4,036,681, 3,057,061, 3,044,314, 3,044,315, 3,134,841, 3,134,842, 4,129,288, 4,111,964, 4,451,535, and 4,376,796 are valid, subsisting, unrevoked, and uncanceled; as such they constitute *prima facie* evidence of the validity of the registered marks and of the registrations thereof, and of Opposer's ownership of the marks shown therein. Opposer's registrations also constitute notice to Applicant of Opposer's claim of ownership of the marks shown therein as provided in Sections 7(b), 22, and 33(a) of the Trademark Act.

14. Opposer's registrations as specified in Paragraphs 4, 5, 6, 7, and 8 above are incontestable. As such, they constitute conclusive evidence of the validity of the registered marks and of the registration of the marks, of Opposer's ownership of its marks, and of Opposer's exclusive right to use the registered marks in commerce as provided in Section 33 of the Lanham Act, 15 U.S.C. § 1115.

15. Since at least before the filing date of the Application, Opposer has continuously used and promoted the M MONSTER ENERGY and Design, MONSTER ENERGY, and M MONSTER ENERGY Marks shown in Registration Nos. 4,036,681, 3,908,601, 3,908,600, 3,044,314, 3,134,841, and 3,134,842 (the "MONSTER Marks") in interstate commerce in connection with its goods, including the goods identified in such Registrations. By virtue of Opposer's continuous and substantial use, these marks have become famous identifiers of Opposer and its goods, and distinguish Opposer's goods from the goods of others. As a result, Opposer has built up, at great expense and effort, valuable goodwill in the MONSTER Marks.

16. Since at least before the filing date of the Application, Opposer has continuously used and promoted the MONSTER REHAB and MUSCLE MONSTER marks shown in Registration Nos. 4,129,288, 4,111,964, 4,451,535, and 4,376,796 in interstate commerce in connection with its goods, including the goods identified in such Registrations. By virtue of Opposer's continuous and substantial use, these marks have become famous identifiers of Opposer and its goods, and distinguish Opposer's goods from the goods of others. As a result, Opposer has built up, at great expense and effort, valuable goodwill in the MONSTER Marks.

17. In addition to the MONSTER Marks and the MONSTER REHAB and MUSCLE MONSTER marks, since at least before the filing date of the Application Opposer has extensively used other "MONSTER" formative marks in connection with beverages and supplements, including MONSTER KHAOSTM and MONSTER ASSAULTTM.

18. By virtue of Opposer's continuous and substantial use, the MONSTER Marks, MONSTER KHAOSTM, and MONSTER ASSAULTTM marks have become famous identifiers of Opposer such that consumers have come to recognize a family of "MONSTER" marks with which Opposer markets and sells its goods (collectively referred to as "Family of MONSTER Marks"). As a result, Opposer has built up, at great expense and effort, valuable goodwill in its Family of MONSTER Marks.

19. In addition to the protection afforded Opposer by its federal trademark registrations, Opposer has extensive common law rights in its MONSTER Marks throughout the United States, having sold billions of dollars worth of goods under Opposer's MONSTER Marks. Opposer's common law rights in its MONSTER Marks predate the filing date of the Application. Opposer relies on its common law trademark rights in Opposer's MONSTER Marks.

20. Opposer has used and continues to use its MONSTER Marks extensively in connection with energy supplement drinks, clothing, accessories, stickers, decals, bags, helmets, and sports gear since well before the filing date of the Application.

21. Opposer's Family of MONSTER Marks have become famous for Opposer's goods since well before the filing date of the Application. Opposer's famous MONSTER Marks are global brands that have appeared on billions of beverage cans, on clothing, accessories, sports gear, and in extensive nationwide promotions. These include, among other things, sponsorship of music festivals, athletes, and sports events that are televised live nationwide and internationally and prominently feature Opposer's MONSTER Marks.

22. The Application was filed on April 17, 2014, and is based on Applicant's alleged use of the mark in interstate commerce under Section 1(a) of the Trademark Act, 15 U.S.C. § 1051(a).

23. Applicant seeks an unrestricted federal registration for MONSTER MELONS covering the goods listed in International Class 30 set forth in the Application. As such, if a registration issues for the Application, such registration will constitute prima facie evidence of the Applicant's exclusive right to use the registered mark in commerce on or in connection with the listed goods throughout the United States with no limitation thereon.

24. Opposer will be damaged by registration of the Application in that the MONSTER MELONS mark so resembles Opposer's MONSTER Marks registered in the United States Patent and Trademark Office, and in which Opposer owns common law trademark rights, as to be likely, when used on or in connection with the goods as they are identified in the Application, as to cause confusion, or to cause mistake or to deceive within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

25. In view of Opposer's prior rights in its MONSTER Marks, Applicant is not entitled to federal registration of the MONSTER MELONS mark pursuant to Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).

26. Opposer will be damaged by registration of the Application in that the MONSTER MELONS mark will dilute the distinctive qualities of Opposer's MONSTER Marks within the meaning of Section 43(c) of the Trademark Act, 15 U.S.C. 1125(c), and will lessen the ability of Opposer's MONSTER Marks to distinguish Opposer's goods.

27. In view of Opposer's prior rights in its MONSTER Marks, Applicant is not entitled to federal registration of the MONSTER MELONS mark pursuant to Section 43(c) of the Trademark Act, 15 U.S.C. § 1125(c).

WHEREFORE, Opposer prays that U.S. Trademark Application Serial No. 86/255599 be rejected and stricken, that no registration be issued thereon to Applicant, and that this opposition be sustained in favor of Opposer.

Please charge Deposit Account No. 11-1410 to cover the opposition fee and any additional fees which may be required, or credit any overpayment to this account.

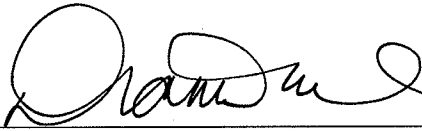
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

10/29/14

By: _____



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Diane M. Reed

Jonathan A. Menkes

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Irvine, CA 92614

(949) 760-0404

efiling@knobbe.com

Attorneys for Opposer,

MONSTER ENERGY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **NOTICE OF OPPOSITION** has been served on Nicholas D. Myers, Attorney for Applicant by mailing said copy on October 29, 2014, via First Class Mail, postage prepaid to:

Nicholas D. Myers
MYERS BERNSTEIN LLP
2 Executive Circle, Suite 205
Irvine, CA 92614

Signature: _____


Name: Francisca C. Leon Guerrero

Date: October 29, 2014

18662228/flg/081414

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 1

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MONSTER ENERGY

Word Mark	MONSTER ENERGY
Goods and Services	IC 032. US 045 046 048. G & S: Non-alcoholic beverages, namely, energy drinks, excluding perishable beverage products that contain fruit juice or soy. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77276989
Filing Date	September 11, 2007
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	July 26, 2011
Registration Number	4036681
Registration Date	October 11, 2011
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED

Attorney of Record	Diane M. Reed
Prior Registrations	3044314;3044315;3057061;3134841;3134842
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

TESS HOME	NEW USER	STRUCTURED	FREE FORM	POWER RANK	SEARCH OG	TOP	HELP
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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [77276989](#)

Filing Dt: 09/11/2007

Reg #: [4036681](#)

Reg. Dt: 10/11/2011

Registrant: Hansen Beverage Company

Mark: MONSTER ENERGY

Assignment: 1

Reel/ Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

Search Results as of: 10/29/2014 05:45 PM
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United States of America

United States Patent and Trademark Office

MONSTER ENERGY

Reg. No. 4,036,681

Registered Oct. 11, 2011

Int. Cl.: 32

TRADEMARK

PRINCIPAL REGISTER

HANSEN BEVERAGE COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE
SUITE 201
CORONA, CA 92880

FOR: NON-ALCOHOLIC BEVERAGES, NAMELY, ENERGY DRINKS, EXCLUDING PERISHABLE BEVERAGE PRODUCTS THAT CONTAIN FRUIT JUICE OR SOY, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,044,314, 3,134,842 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY", APART FROM THE MARK AS SHOWN.

SER. NO. 77-276,989, FILED 9-11-2007.

MICHAEL WIENER, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 2



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Typed Drawing

Word Mark	MONSTER ENERGY
Goods and Services	IC 032. US 045 046 048. G & S: Fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, [aerated water, soda water and seltzer water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78122679
Filing Date	April 18, 2002
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 11, 2003
Registration Number	3057061
Registration Date	February 7, 2006
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN
Type of Mark	TRADEMARK
Register	PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

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Indicator** LIVE

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[Assignments on the Web](#) > [Trademark Query](#)

Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78122679](#)

Filing Dt: 04/18/2002

Reg #: [3057061](#)

Reg. Dt: 02/07/2006

Registrant: Hansen Beverage Company

Mark: MONSTER ENERGY

Assignment: 1

Reel/ Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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Web interface last modified: Mar 15, 2014 v.2.4

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,057,061

United States Patent and Trademark Office

Registered Feb. 7, 2006

**TRADEMARK
PRINCIPAL REGISTER**

MONSTER ENERGY

HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

FOR: FRUIT JUICE DRINKS HAVING A JUICE
CONTENT OF 50% OR LESS BY VOLUME THAT
ARE SHELF STABLE, CARBONATED SOFT
DRINKS, CARBONATED DRINKS ENHANCED
WITH VITAMINS, MINERALS, NUTRIENTS, AMI-
NO ACIDS AND/OR HERBS, AERATED WATER,
SODA WATER AND SELTZER WATER, BUT EX-
CLUDING PERISHABLE BEVERAGE PRODUCTS
THAT CONTAIN FRUIT JUICE OR SOY, WHETHER

SUCH PRODUCTS ARE PASTEURIZED OR NOT, IN
CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.


NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ENERGY", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-122,679, FILED 4-18-2002.

ANN E. SAPPENFIELD, EXAMINING ATTORNEY

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 3

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Record 1 out of 1

[TSDR](#) [ASSIGNMENTS](#) [TIDR/STATUS](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	M MONSTER ENERGY
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: nutritional supplements in liquid [and non-liquid] form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78253930
Filing Date	May 23, 2003
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	August 31, 2004
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	3044314
Registration Date	January 17, 2006
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	DIANE M. REED
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN
Type of Mark Register	TRADEMARK PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78253930](#)

Filing Dt: 05/23/2003

Reg #: [3044314](#)

Reg. Dt: 01/17/2006

Registrant: Hansen Beverage Company

Mark: M MONSTER ENERGY

Assignment: 1

Reel/ Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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Int. Cl.: 5

Prior U.S. Cls.: 6, 18, 44, 46, 51 and 52

Reg. No. 3,044,314

United States Patent and Trademark Office

Registered Jan. 17, 2006

**TRADEMARK
PRINCIPAL REGISTER**

M MONSTER ENERGY

HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID
AND NON-LIQUID FORM, BUT EXCLUDING PER-
ISHABLE BEVERAGE PRODUCTS THAT CONTAIN
FRUIT JUICE OR SOY, WHETHER SUCH PRO-
DUCTS ARE PASTEURIZED OR NOT, IN CLASS 5
(U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.


NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ENERGY", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-253,930, FILED 5-23-2003.

SUSAN HAYASH, EXAMINING ATTORNEY

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 4

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Typed Drawing

Word Mark	MONSTER ENERGY
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: nutritional supplements in liquid [and non-liquid] form, but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	78253933
Filing Date	May 23, 2003
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 7, 2004
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	3044315
Registration Date	January 17, 2006
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880 (LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed
Disclaimer	NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN
Type of Mark Register	TRADEMARK PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78253933](#)

Filing Dt: 05/23/2003

Reg #: [3044315](#)

Reg. Dt: 01/17/2006

Registrant: Hansen Beverage Company

Mark: MONSTER ENERGY

Assignment: 1

Reel/Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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United States of America

United States Patent and Trademark Office

MONSTER ENERGY

Reg. No. 3,044,315

Registered Jan. 17, 2006

Amended Sep. 24, 2013

Int. Cl.: 5

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
1 MONSTER WAY
CORONA, CA 92879

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID [AND NON-LIQUID] FORM, BUT EXCLUDING PERISHABLE BEVERAGE PRODUCTS THAT CONTAIN FRUIT JUICE OR SOY, WHETHER SUCH PRODUCTS ARE PASTEURIZED OR NOT, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY", APART FROM THE MARK AS SHOWN.

SER. NO. 78-253,933, FILED 5-23-2003.



Lisa Starnes

Deputy Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 5

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MONSTER
ENERGY

Word Mark M MONSTER ENERGY

Goods and Services IC 032. US 045 046 048. G & S: Beverages, namely, carbonated soft drinks, carbonated soft drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated [and non-carbonated] energy and sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and aerated water, soda water and seltzer water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418

Mark Drawing Code (5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Serial Number 78246567

Filing Date May 7, 2003

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 6, 2006

Registration Number 3134841

Registration Date August 29, 2006

Owner (REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880

(LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Assignment Recorded ASSIGNMENT RECORDED

**Attorney of
Record** Steven J. Nataupsky

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK
AS SHOWN

**Description of
Mark** Color is not claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

**Live/Dead
Indicator** LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [78246567](#)**Filing Dt:** 05/07/2003**Reg #:** [3134841](#)**Reg. Dt:** 08/29/2006**Registrant:** Hansen Beverage Company**Mark:** M MONSTER ENERGY**Assignment: 1****Reel/ Frame:** [4699/0063](#)**Recorded:** 01/13/2012**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [HANSEN BEVERAGE COMPANY](#)**Exec Dt:** 01/05/2012**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201

CORONA, CALIFORNIA 92880

Entity Type: CORPORATION**Citizenship:** DELAWARE**Correspondent:** DIANE M. REED

2040 MAIN STREET, 14TH FLOOR

IRVINE, CA 92614

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,134,841

United States Patent and Trademark Office

Registered Aug. 29, 2006

**TRADEMARK
PRINCIPAL REGISTER**



HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

PRODUCTS THAT CONTAIN FRUIT JUICE OR
SOY, WHETHER SUCH PRODUCTS ARE PASTEUR-
IZED OR NOT, IN CLASS 32 (U.S. CLS. 45, 46 AND
48).

FOR: BEVERAGES, NAMELY, CARBONATED
SOFT DRINKS, CARBONATED SOFT DRINKS EN-
HANCED WITH VITAMINS, MINERALS, NUTRI-
ENTS, AMINO ACIDS AND/OR HERBS,
CARBONATED AND NON-CARBONATED ENER-
GY AND SPORTS DRINKS, FRUIT JUICE DRINKS
HAVING A JUICE CONTENT OF 50% OR LESS BY
VOLUME THAT ARE SHELF STABLE, AND AERA-
TED WATER, SODA WATER AND SELTZER WA-
TER, BUT EXCLUDING PERISHABLE BEVERAGE

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.


NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ENERGY", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-246,567, FILED 5-7-2003.

AMY HELLA, EXAMINING ATTORNEY

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 6

**United States Patent and Trademark Office**
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[TSDR](#) [ASSIGNMENTS](#) [FILED STATES](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark M MONSTER ENERGY
Goods and Services IC 032. US 045 046 048. G & S: Beverages, namely, carbonated soft drinks, carbonated drinks enhanced with vitamins, minerals, nutrients, amino acids and/or herbs, carbonated [and non-carbonated] energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf stable, [and water,] but excluding perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20020327. FIRST USE IN COMMERCE: 20020418

Mark Drawing Code (1) TYPED DRAWING

Serial Number 78246573

Filing Date May 7, 2003

Current Basis 1A

Original Filing Basis 1A

Published for Opposition June 6, 2006

Registration Number 3134842

Registration Date August 29, 2006

Owner (REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 550 Monica Circle Suite 201 Corona CALIFORNIA 92880

(LAST LISTED OWNER) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879

Assignment Recorded ASSIGNMENT RECORDED

Attorney of Record Steven J. Nataupsky

Disclaimer NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "ENERGY" APART FROM THE MARK AS SHOWN

Type of Mark TRADEMARK

Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Live/Dead Indicator LIVE

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Trademark Assignment Abstract of Title

Total Assignments: 1

Serial #: [78246573](#)

Filing Dt: 05/07/2003

Reg #: [3134842](#)

Reg. Dt: 08/29/2006

Registrant: Hansen Beverage Company

Mark: M MONSTER ENERGY

Assignment: 1

Reel/ Frame: [4699/0063](#)

Recorded: 01/13/2012

Pages: 10

Conveyance: CHANGE OF NAME

Assignor: [HANSEN BEVERAGE COMPANY](#)

Exec Dt: 01/05/2012

Entity Type: CORPORATION

Citizenship: DELAWARE

Assignee: [MONSTER ENERGY COMPANY](#)

550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880

Entity Type: CORPORATION

Citizenship: DELAWARE

Correspondent: DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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Int. Cl.: 32

Prior U.S. Cls.: 45, 46 and 48

Reg. No. 3,134,842

United States Patent and Trademark Office

Registered Aug. 29, 2006

**TRADEMARK
PRINCIPAL REGISTER**

M MONSTER ENERGY

HANSEN BEVERAGE COMPANY (DELAWARE
CORPORATION)
1010 RAILROAD STREET
CORONA, CA 92882

SOY, WHETHER SUCH PRODUCTS ARE PASTEUR-
IZED OR NOT, IN CLASS 32 (U.S. CLS. 45, 46 AND
48).

FOR: BEVERAGES, NAMELY, CARBONATED
SOFT DRINKS, CARBONATED DRINKS EN-
HANCED WITH VITAMINS, MINERALS, NUTRI-
ENTS, AMINO ACIDS AND/OR HERBS,
CARBONATED AND NON-CARBONATED ENER-
GY OR SPORTS DRINKS, FRUIT JUICE DRINKS
HAVING A JUICE CONTENT OF 50% OR LESS BY
VOLUME THAT ARE SHELF STABLE, AND WA-
TER, BUT EXCLUDING PERISHABLE BEVERAGE
PRODUCTS THAT CONTAIN FRUIT JUICE OR

FIRST USE 3-27-2002; IN COMMERCE 4-18-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "ENERGY", APART FROM THE
MARK AS SHOWN.

SER. NO. 78-246,573, FILED 5-7-2003.

AMY HELLA, EXAMINING ATTORNEY

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 7

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MONSTER REHAB

Word Mark	MONSTER REHAB
Goods and Services	IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements in liquid form. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302 IC 032. US 045 046 048. G & S: Beverages, namely, non-alcoholic non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks, fruit juice drinks having a juice content of 50% or less by volume that are shelf-stable; all the foregoing goods exclude perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20110302. FIRST USE IN COMMERCE: 20110302
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85078405
Filing Date	July 6, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 29, 2011
Registration Number	4129288
Registration Date	April 17, 2012
Owner	(REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way

Corona CALIFORNIA 92879

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Alina S. Morris
Prior Registrations	3057061;3134842;3353473;AND OTHERS
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [85078405](#)**Filing Dt:** 07/06/2010**Reg #:** [4129288](#)**Reg. Dt:** 04/17/2012**Registrant:** MONSTER ENERGY COMPANY**Mark:** MONSTER REHAB**Assignment: 1****Reel/Frame:** [4699/0063](#)**Recorded:** 01/13/2012**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [HANSEN BEVERAGE COMPANY](#)**Exec Dt:** 01/05/2012**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [MONSTER ENERGY COMPANY](#)550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Correspondent:** DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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United States of America
United States Patent and Trademark Office

MONSTER REHAB

Reg. No. 4,129,288

Registered Apr. 17, 2012

Int. Cls.: 5 and 32

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID FORM, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

FOR: BEVERAGES, NAMELY, NON-ALCOHOLIC NON-CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; NON-CARBONATED ENERGY OR SPORTS DRINKS, FRUIT JUICE DRINKS HAVING A JUICE CONTENT OF 50% OR LESS BY VOLUME THAT ARE SHELF-STABLE; ALL THE FOREGOING GOODS EXCLUDE PERISHABLE BEVERAGE PRODUCTS THAT CONTAIN FRUIT JUICE OR SOY, WHETHER SUCH PRODUCTS ARE PASTEURIZED OR NOT, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-2-2011; IN COMMERCE 3-2-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,057,061, 3,353,473, AND OTHERS.

SN 85-078,405, FILED 7-6-2010.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*

What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*

What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.


The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 8



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MONSTER REHAB

Word Mark	MONSTER REHAB
Goods and Services	IC 030. US 046. G & S: Ready to drink tea, iced tea and tea based beverages; ready to drink flavored tea, iced tea and tea based beverages. FIRST USE: 20110200. FIRST USE IN COMMERCE: 20110200
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	85406210
Filing Date	August 24, 2011
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	December 27, 2011
Registration Number	4111964
Registration Date	March 13, 2012
Owner	(REGISTRANT) Hansen Beverage Company CORPORATION DELAWARE 1 Monster Way Corona CALIFORNIA 92879
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Diane M. Reed
Type of Mark	TRADEMARK
Register	PRINCIPAL

Live/Dead Indicator LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [85406210](#)**Filing Dt:** 08/24/2011**Reg #:** [4111964](#)**Reg. Dt:** 03/13/2012**Registrant:** Hansen Beverage Company**Mark:** MONSTER REHAB**Assignment: 1****Reel/Frame:** [4699/0063](#)**Recorded:** 01/13/2012**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [HANSEN BEVERAGE COMPANY](#)**Exec Dt:** 01/05/2012**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [MONSTER ENERGY COMPANY](#)550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Correspondent:** DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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United States of America
United States Patent and Trademark Office

MONSTER REHAB

Reg. No. 4,111,964

Registered Mar. 13, 2012

Int. Cl.: 30

TRADEMARK

PRINCIPAL REGISTER

HANSEN BEVERAGE COMPANY (DELAWARE CORPORATION)
SUITE 201
550 MONICA CIRCLE
CORONA, CA 92880

FOR: READY TO DRINK TEA, ICED TEA AND TEA BASED BEVERAGES; READY TO
DRINK FLAVORED TEA, ICED TEA AND TEA BASED BEVERAGES, IN CLASS 30 (U.S.
CL. 46).

FIRST USE 2-0-2011; IN COMMERCE 2-0-2011.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 85-406,210, FILED 8-24-2011.

RONALD DELGIZZI, EXAMINING ATTORNEY



David J. Kybas

Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 9



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MUSCLE MONSTER

Word Mark MUSCLE MONSTER

Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Vitamin fortified beverages. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

IC 029. US 046. G & S: Dairy-based beverages; dairy-based energy shakes; energy shakes; coffee energy shakes; chocolate energy shakes. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

IC 030. US 046. G & S: Ready to drink coffee based beverages; ready to drink chocolate-based beverages. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

Standard Characters
Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 86006264

Filing Date July 10, 2013

Current Basis 1A

Original Filing Basis 1A

Published for Opposition October 1, 2013

Registration Number 4451535

International Registration Number 1209858

Registration Date December 17, 2013

Owner (REGISTRANT) Monster Energy Company CORPORATION DELAWARE 1 Monster Way
Corona CALIFORNIA 92879

Attorney of Record Diane M. Reed

Prior Registrations 3966554;4036680;AND OTHERS

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

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No assignment has been recorded at the USPTO

For Serial Number: 86006264

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United States of America
United States Patent and Trademark Office

MUSCLE MONSTER

Reg. No. 4,451,535

Registered Dec. 17, 2013

Int. Cls.: 5, 29 and 30

TRADEMARK

PRINCIPAL REGISTER

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
1 MONSTER WAY
CORONA, CA 92879

FOR: VITAMIN FORTIFIED BEVERAGES, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

FOR: DAIRY-BASED BEVERAGES; DAIRY-BASED ENERGY SHAKES; ENERGY SHAKES;
COFFEE ENERGY SHAKES; CHOCOLATE ENERGY SHAKES, IN CLASS 29 (U.S. CL. 46).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

FOR: READY TO DRINK COFFEE BASED BEVERAGES; READY TO DRINK CHOCOLATE-
BASED BEVERAGES, IN CLASS 30 (U.S. CL. 46).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PAR-
TICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,966,554, 4,036,680 AND OTHERS.

SER. NO. 86-006,264, FILED 7-10-2013.

GEOFFREY FOSDICK, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.


The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.

TTAB Opposition No. _____
Monster Energy Company v. Cuttwood, LLC.

EXHIBIT 10



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MUSCLE MONSTER

Word Mark MUSCLE MONSTER
Goods and Services IC 005. US 006 018 044 046 051 052. G & S: Nutritional supplements in liquid form. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

IC 032. US 045 046 048. G & S: Beverages, namely, soft drinks; non-alcoholic and non-carbonated drinks enhanced with vitamins, minerals, nutrients, proteins, amino acids and/or herbs; non-carbonated energy or sports drinks; all the foregoing goods exclude perishable beverage products that contain fruit juice or soy, whether such products are pasteurized or not. FIRST USE: 20130318. FIRST USE IN COMMERCE: 20130318

Standard Characters Claimed

Mark Drawing Code (4) STANDARD CHARACTER MARK

Serial Number 85077052

Filing Date July 2, 2010

Current Basis 1A

Original Filing Basis 1B

Published for Opposition April 19, 2011

Registration Number 4376796

International Registration Number 1209858

Registration

Date July 30, 2013
Owner (REGISTRANT) MONSTER ENERGY COMPANY CORPORATION DELAWARE 1 Monster Way
Corona CALIFORNIA 92879
**Assignment
Recorded** ASSIGNMENT RECORDED
**Attorney of
Record** Alina S. Morris
**Prior
Registrations** 3044314;3057061;3134842;AND OTHERS
Type of Mark TRADEMARK
Register PRINCIPAL
**Live/Dead
Indicator** LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1****Serial #:** [85077052](#)**Filing Dt:** 07/02/2010**Reg #:** [4376796](#)**Reg. Dt:** 07/30/2013**Registrant:** MONSTER ENERGY COMPANY**Mark:** MUSCLE MONSTER**Assignment: 1****Reel/Frame:** [4699/0063](#)**Recorded:** 01/13/2012**Pages:** 10**Conveyance:** CHANGE OF NAME**Assignor:** [HANSEN BEVERAGE COMPANY](#)**Exec Dt:** 01/05/2012**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** [MONSTER ENERGY COMPANY](#)550 MONICA CIRCLE, SUITE 201
CORONA, CALIFORNIA 92880**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Correspondent:** DIANE M. REED
2040 MAIN STREET, 14TH FLOOR
IRVINE, CA 92614

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United States of America
United States Patent and Trademark Office

MUSCLE MONSTER

Reg. No. 4,376,796
Registered July 30, 2013

MONSTER ENERGY COMPANY (DELAWARE CORPORATION)
550 MONICA CIRCLE, SUITE 201
CORONA, CA 92880

Int. Cls.: 5 and 32

FOR: NUTRITIONAL SUPPLEMENTS IN LIQUID FORM, IN CLASS 5 (U.S. CLS. 6, 18, 44, 46, 51 AND 52).

TRADEMARK

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

PRINCIPAL REGISTER

FOR: BEVERAGES, NAMELY, SOFT DRINKS; NON-ALCOHOLIC AND NON-CARBONATED DRINKS ENHANCED WITH VITAMINS, MINERALS, NUTRIENTS, PROTEINS, AMINO ACIDS AND/OR HERBS; NON-CARBONATED ENERGY OR SPORTS DRINKS; ALL THE FOREGOING GOODS EXCLUDE PERISHABLE BEVERAGE PRODUCTS THAT CONTAIN FRUIT JUICE OR SOY, WHETHER SUCH PRODUCTS ARE PASTEURIZED OR NOT, IN CLASS 32 (U.S. CLS. 45, 46 AND 48).

FIRST USE 3-18-2013; IN COMMERCE 3-18-2013.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,044,314, 3,134,842, AND OTHERS.

SN 85-077,052, FILED 7-2-2010.

GRETCHEN ULRICH, EXAMINING ATTORNEY



Liana Stratton
Acting Director of the United States Patent and Trademark Office

**REQUIREMENTS TO MAINTAIN YOUR FEDERAL
TRADEMARK REGISTRATION**

**WARNING: YOUR REGISTRATION WILL BE CANCELLED IF YOU DO NOT FILE THE
DOCUMENTS BELOW DURING THE SPECIFIED TIME PERIODS.**

Requirements in the First Ten Years*
What and When to File:

First Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) between the 5th and 6th years after the registration date. *See* 15 U.S.C. §§1058, 1141k. If the declaration is accepted, the registration will continue in force for the remainder of the ten-year period, calculated from the registration date, unless cancelled by an order of the Commissioner for Trademarks or a federal court.

Second Filing Deadline: You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date.*
See 15 U.S.C. §1059.

Requirements in Successive Ten-Year Periods*
What and When to File:

You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date.*

Grace Period Filings*

The above documents will be accepted as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

The United States Patent and Trademark Office (USPTO) will NOT send you any future notice or reminder of these filing requirements.

***ATTENTION MADRID PROTOCOL REGISTRANTS:** The holder of an international registration with an extension of protection to the United States under the Madrid Protocol must timely file the Declarations of Use (or Excusable Nonuse) referenced above directly with the USPTO. The time periods for filing are based on the U.S. registration date (not the international registration date). The deadlines and grace periods for the Declarations of Use (or Excusable Nonuse) are identical to those for nationally issued registrations. *See* 15 U.S.C. §§1058, 1141k. However, owners of international registrations do not file renewal applications at the USPTO. Instead, the holder must file a renewal of the underlying international registration at the International Bureau of the World Intellectual Property Organization, under Article 7 of the Madrid Protocol, before the expiration of each ten-year term of protection, calculated from the date of the international registration. *See* 15 U.S.C. §1141j. For more information and renewal forms for the international registration, see <http://www.wipo.int/madrid/en/>.

NOTE: Fees and requirements for maintaining registrations are subject to change. Please check the USPTO website for further information. With the exception of renewal applications for registered extensions of protection, you can file the registration maintenance documents referenced above online at <http://www.uspto.gov>.